

BILL ANALYSIS

By: MADLA (BROOKS)

H.B. 902

BACKGROUND INFORMATION

The Texas Legislative Council is required by law (Section 323.007, Government Code) to carry out a complete nonsubstantive revision of the Texas statutes. The process involves reclassifying and rearranging the statutes in a more logical order, employing a numbering system and format that will accommodate future expansion of the law, eliminating repealed, invalid, duplicative, and other ineffective provisions, and improving the draftsmanship of the law if practicable--all toward promoting the stated purpose of making the statutes "more accessible, understandable, and usable" without altering the sense, meaning, or effect of the law.

Article III, Section 43, of the Texas Constitution specifically recognizes this type of bill as a "revision" for purposes of the legislature's obligation under that section to provide for the revising of the laws. As such a revision, the bill is not subject to the constitutional rule prohibiting more than one subject in a single bill or the rule prohibiting amendments by reference.

The 71st Legislature adopted all of the Health and Safety Code with the exception of Title 7, which is codified in this bill. This bill codifies laws relating to mental health and mental retardation. The provisions in the bill have been sent to numerous persons, including judges, the staff of the Texas Mental Health and Mental Retardation Department, and representatives of advocacy and consumer organizations. Their comments and suggestions received before preparation of the bill have been incorporated into the bill.

PURPOSE OF BILL

The bill is a nonsubstantive revision of the statutes relating to mental health and mental retardation. The bill adds Title 7 to the Health and Safety Code.

SECTION-BY-SECTION ANALYSIS

SECTION 1: Nonsubstantive revision of the statutes relating to mental health and mental retardation. Codifies existing law and arranges it into an organized format as Title 7 of the Health and Safety Code.

SECTION 2: Clarifies a reference in law to the "Mentally Retarded Persons Act of 1977" to mean the "Persons With Mental Retardation Act".

SECTION 3: Conforming amendment to Chapter 22, Human Resources Code, by adding Section 22.0033, relating to prohibited activities by former officers or employees.

SECTION 4: Conforming amendment to Subchapter C, Chapter 61, Human Resources Code, by adding Section 61.049, relating to Crockett State School for girls.

SECTION 5: Conforming amendment to Article 2351, Revised

Statutes, relating to powers of the commissioners court.

SECTION 6: Conforming amendment to Section 84.007(e), Civil Practice and Remedies Code, relating to health care providers.

SECTION 7: Conforming amendment to Section 3.07, Family Code, relating to confinement in mental hospitals.

SECTION 8: Conforming amendment to Section 55.01(b), Family Code, relating to diagnosis of mental retardation.

SECTION 9: Conforming amendments to Sections 55.02(b) and (c), Family Code, relating to the juvenile court proceedings regarding mentally ill children.

SECTION 10: Conforming amendments to Sections 55.03(b) and (c), Family Code, relating to ordering the commitment of a mentally retarded child by the juvenile court.

SECTION 11: Conforming amendment to Section 25.1352(a), Government Code, relating to Kerr County Court at Law provisions.

SECTION 12: Conforming amendment to Section 25.2142(b), Government Code, relating to Smith County Court at Law provisions.

SECTION 13: Conforming amendment to Section 25.2293(b), Government Code, relating to Travis County probate court provisions.

SECTION 14: Conforming amendment to Section 43.181(f), Government Code, relating to the 268th Judicial District.

SECTION 15: Conforming amendment to Section 45.179(c), Government Code, relating to the powers of the Fort Bend County attorney.

SECTION 16: Conforming amendment to Section 241.004, Health and Safety Code, relating to licensing exemptions of health facilities.

SECTION 17: Conforming amendment to Section 35.003(a), Human Resources Code, relating to eligibility for assistance to persons with disabilities.

SECTION 18: Conforming amendment to Section 118.055(c), Local Government Code, relating to the fee for an action involving mental health services.

SECTION 19: Repealer. Repeals laws codified by the bill.

SECTION 20: Legislative intent to recodify only.

SECTION 21: Effective date.

SECTION 22: Emergency clause.

RULE-MAKING AUTHORITY

This bill does not delegate new rule-making authority to any state officer, agency, department, or institution, but revises without substantive change rule-making authority previously granted.